

THE FULL

TRIAL

BETWEEN

Henry Duke of Norfolk,
PLAINTIFF,

AND

John Germaine, Esquire,
DEFENDANT:

AT THE

Kings-Bench Barr at Westminster,

On Thursday, Novemb. xxiii. in Michaelmas-Term, 1693.

LONDON,

Printed in the Year, 1 6 9 3.

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THE T R Y A L, &c,

Council for the Plaintiff.

Mr. Attorney General.
Mr. Soliciter General.
Mr. Serjeant *Levins*.
Mr. Serjeant *Thompson*.
Mr. Serjeant *Dorch*, and
Mr. *Bannister*.

Council for the Defendant.

Mr. Serjeant *Pemberton*.
Mr. Serjeant *Tremaine*,
Sir *William Williams*.
Sir *Thomas Powis*.
Mr. Serjeant *Girdler*.
Sir *Bartholomew Shoare*.
Mr. *Jones*.

Secunda y. Over, call the Defendant, *John Germaine*, Esq,
Crier. *John Germaine*, come forth, and make your Defence,
or else you will be taken by your Default.

Council: We appear

Serjeant, *Crier,* Call the Jury.

Crier. Gentlemen of the Jury, answer to your Names.

Sir *Michael Henneage*, Knt.
Sir *Thomas Graham*, Knt.
Sir *Charles Hunsford*, Knt.
Sir *William Hall*, Knt.
Sir *Ralph Hugbory*, Esq.
Sir *Robert Sheffield*, Esq.

Hug's Squire, Esq.
John Cates, Esq.
Charles Pryn.
Richard Craddock.
William Wubers, Esq.
Richard Page, Esq.

Clerk of the Papers. **H**ENRY Duke of Norfolk is Plaintiff, and *John Germaine*, Esq. is Defendant: The Record sets forth, For that he said Duke now is, and for several Years last past, hath been, and more especially for the space of four Years last past, enlisted one of the Knights of the Garter, and Lord Marshall of England, and hath been of good Name, Fame, and Conversation, and hath not only gained the good Will, Esteem, Credit, and Affection of all Their Majesties Lige People, as well Neighbours, and others: But also of the King and Queen, who chose him to be one of Their Majesties Privy-Council. The Defendant not being ignorant of the Premises, but endeavouring to grieve the said Duke; and not only to bring him into Disgrace and Contempt with the late King *James the II.* and his Subjects, but also with the King and Queen that now is, and all their Lige Subjects. The First day of *August*, in the Second Year of the late King *James the Second*, and divers times afterwards, the Defendant, without the leave of the said Duke, hath unlawfully kept Company with the said Dutche's; and by Lascivious Tricks, and Obsequious Glances, Winks and Nodds, and other Lascivious Ways and Means, and by fair Inticements and

Allurements, committed Adultery with the said Dutche's, and caused her to commit Adultery, and caused the said Dutche's for to absent from the said Duke; and the said Dutche's, against the Will of the said Duke, did detain; by reason whereof, he is not only deprived of the Society of his Wife, and of other Advantages in managing his Domestick Affairs, but also he the said Duke, being so troubled and disquieted in his Mind, that he could not attend the necessary Affairs of this Realm as he ought: And thus he layeth to his Damage 100000 *l.*

The Defendant pretendeth, That he is not guilty of any thing within this Six Years.

The Plaintiff he cometh, and replyeth, and saith, That he is guilty within this Six Years.

Your Issue is to try whether he was guilty within this Six Years, before the 25th. Day of *May* last past.

Mr. *Bannister*. May it please Your Lordship, and You Gentlemen of the Jury; This is an Action brought by *Henry*, Duke of *Norfolk*, against one *John Germaine*. The Plaintiff setteth forth, That the first day of *August*, in the Second Year of the Reign of the late King *James*, the Defendant did by unlawful ways and means intice away his Dutche's, by which means he had not the benefit of her Society; and by his Lascivious Conversation, committed Adultery with her, and caused her to commit Adultery; and thus he layeth to his Damage 100000 *l.* If we prove he did so, we hope you will give us good Damages and Cost.

May it please your Lordship, and you Gentlemen of the Jury: This is a very Melancholly thing to be told; yet it is fit the Age we live in, may know it, so as the Offender may be punished. The Duke of *Norfolk* is the first Duke of *England*, Knight of the most noble Order of the Garter, Lord High Marshall of *England*, and one of the Lords of Their Majesties most Honourable Privy Council, and he to be so abused! perhaps none found any such Cause to come before any Court.

is a very hard thing for me, as this Case is, to produce strong and pregnant Evidence; but our Proofs are such as I am ashamed to repeat them, but desire the Witnesses may tell your Lordship, and the Gentlemen of the Jury what they know: It was not kept secret, but it was known so, as all the Kingdom did ring of it; and how the Defendant had the Dutches frequently to his House, and how they lived in Adultery we will take that method that is most plain.

Att. Gen. My Lord, it will be necessary to give your Lordship an Account of something of the beginning of this Matter.

L. C. J. As to the time,

Serj. Tremaine. They would make this a sort of a running Account.

Sir Will. Williams. It must be within Six Years before the 26th of May last, if they will prove any Adultery; before it is nothing.

L. C. J. If the Witnesses be not heard, it is impossible to tell whether it be within the Statute of Limitations.

Mr. Jus. Eyres. If we hear it, and find it out of time, then when we have heard it, we can tell the Jury how it is, whether it be within the time they are to take notice of.

If they open Evidence that goeth beyond Six Years, I hope your Lordship will not suffer them to do that.

Mr. Serj. Thompson. Here are Anticipation, Directions, and what not.

Attorn. Gen. We will call Witnesses if your Lordship please.

Come Rowland Owen, do you know the Dutches of Norfolk?

Rowland Owen. Yes.

Attorn. Gen. Do you know John Germaine?

Rowl. Owen. Yes, very well. I have seen him several times Dine and Sup at my Lord Duke's House.

Attorn. Gen. Tell what Familiarity you have seen pass between the Dutches and Germaine.

Rowl. Owen. I was ordered by one Henry Keamer to go down to White-hall with Plate and Table-Cloth, and to go to the Blue-Polls for some things, and then to go down to White-Hall; there was a Supper to be that Night, and then I went down to White-Hall. Then when I came there at my Lord Duke's Apartment, I opened the Door; and afterwards going into a Room, I saw Mr. Germaine and the Dutches in Bed together, and the Dutches pushed me out, and asked me how I durst be so impudent as to come in, and chide me.

Lord Ch. Jus. Who chide you?

Attorn. Gen. He saith (my Lord) the Dutches of Norfolk.

Serj. Tremaine. Pray when was this?

Rowl. Owen. About Seven Years since.

Serj. Tremaine. Owen, you speak something of a Supper, and that you went down to White-hall; who gave you the Key?

Rowl. Owen. One Henry Keamer.

Sir T. Powis. What, are you a Street Porter?

Rowl. Owen. I am Usher of the Hall.

Attorn. Gen. You are Servant to the Duke, are you not?

Rowl. Owen. Yes.

Sir T. Powis. Was this at Supper that Night?

Rowl. Owen. I cannot tell.

Sir T. Powis. You carried down Plates.

Rowl. Owen. Yes.

Sir T. Powis. Now I ask you; This you say was Seven Years ago, who did you tell it to?

Rowl. Owen. To the House-Keeper.

Sir T. Powis. What was she?

Rowl. Owen. One Mrs. Webb.

Sir T. Powis. Did you tell no body else?

Rowl. Owen. No, indeed, I will not lye.

Attorn. Gen. We will call another Witness,

Margaret Ellwood,

Do you know the Dutches of Norfolk?

Margaret Ellwood. Yes, my Lord,

Attorn. Gen. Do you know John Germaine?

Mar. Ellwood. Yes, my Lord, I did about Seven Years since; but I do not know whether I know him now.

Attorn. Gen. Pray tell my Lord and the Jury what you know.

Mar. Ellwood. It was my Business, being House-Keeper, to look after my Affairs, and I being called down upon some Business, I saw my Lady and Germaine together, and I saw my Lady in an ill posture upon the Stool; and my Lady said to Mr. Germaine, kick her.

Serj. Thompson. Tell how you saw her.

Mar. Ellwood. Why, when I saw her, I saw her bare Knee, and Germaine was near to her; and then I came away, she being angry. I came from her.

Serj. Thompson. Was Germaine's Breeches down?

Mar. Ellwood. His Breeches was down, and his Hat and Sword lay upon the Table.

Attorn. Gen. What posture was the Dutches in?

Mar. Ellwood. I saw her bare Knee.

Attorn. Gen. Was she lying down?

Mar. Ellwood. Yes, and the Saturday after I did see Mr. Germaine come, and he went to Bed to her.

L. Ch. Jus. How do you know that?

Mar. Ellwood. I opened the first Door, and looked through the Key hole of the other Door, and saw them go to Bed.

L. Ch. Jus. How do you know he was in Bed with her?

Mar. Ellwood. Why, I saw them; for there was a Wax Candle in the Chamber, and I could see them easily.

L. C. J. What time was this you saw them in bed, had they no Courtain?

Mar. Ellwood. Yes, my Lord, they had, and through they were drawn of both sides the bed; they left them open at the foot.

L. C. Jus. Did you ever pretend this before?

Mar. Ellwood. Yes, I did.

L. C. J. Did you ever Swear this before?

M. Ellwood. Yes, my Lord, I did in the Parliament House.

Sir T. Powis. You have lived in several places since, did you never tell any bodies Servants?

M. Ell. To no body, but to Mrs. Webb, and my Lady next morning gave orders that I should be put away, but she heard no more of it, and I staid.

Attorn. Gen. Do you know any thing else?

Mar. Ellwood. I was making my Lady's Bed, with one Anne Burton, and I found Mr. Germaine's Handkerchief and Ruffles in the Bed all at one time.

Att. Gen. Do you remember any Shirt and Waist-coat that were found?

Mar. Ellwood. Yes.

L. Ch. Jus. Did you find his Handkerchief and Ruffles in my Ladies Bed?

Mar. Ellwood. Yes.

L. C. J. Did you never see him come down Stairs?

Mar. Ellwood. We set Traps for him to fall over, but he never came down to fall over them.

Serj. Tremaine. Do you know of any thing but in the first year of King James?

Mar. Ellwood. No, not I.

Att. Gen. We will call another Witness, Mrs. Benslyn. I think Mrs. Benslyn you are married.

Mrs. Benslyn. Yes.

Att. Gen. What is your Christian Name?

Mrs. Benslyn. Anne.

Att. Gen. Pray tell my Lord, and the Jury, what you know?

Anne Benslyn. My Lord, I was House-Maid and Servant to the Dutches in the first Year of King James's Reign; about Bartholomew-Tide, my Lady Dutches went to London with Germaine, Nell Gwin, and some others, and we did not expect them to come home that night, but she did; and after they went to Supper, and

after that they went to Cards, and after that my Lady Dutchess had a great mind to go to bed, and desired us to make her a fire, and so we did; and my Lady went to bed, and said, she thought the King and Queen should send for me, I would not rise till Eleven a Clock to-morrow morning, so the Candles were put out, and two Foot men stood to wait; Because, Mr. Germain he used to be Generous to the Servants, and they waited till two a Clock in the morning, and I asked them next morning if Mr. Germain had been there, and they said no, for they had been there all the while, and if he came he could not go, for they said, we have laid Chairs and Stools in the way, that if he came he might fall over them; and the next morning, I saw a man with a Paper-Box in his hand, and he asked me for Mr. Germain's Chambers or Lodgings, I told him, I knew none he had there. My Lord, The next day my Lady Dutchess ordered me to make her a fire, which coming to do, Mrs. Kniveton was Combing of her head, and Nell Guin came in, and said, Good morrow to your Grace, how did you rest last night, she said well, and one Coll. Cornwell came in, and said to my Lady Dutchess, how doth Mr. Germain do? And she said, why do you ask me, and Coll. Cornwell said, he did not lye at home last night; then Nell Guin said, we shall see him come out by and by like a drowned Mouse, and so I went to make my Lady Dutchess Bed, and found a Handkerchief and Ruffles. And Mrs. Kniveton came and said, come hither and I will shew you a sight, and when I came, there lay a Shirt and Waistcoat, and I took them away, because it was a place that any body as they came, might see them, and my Lord Duke was not in Town.

Att. Gen. How came you to take notice of the Ruffles, and Handkerchief?

An. Benskin. Why, Mrs. Kniveton, said, it was a mans Ruffles.

Sir Tho. Powis. How long was this since? in 1685? Had there not been an Appeal?

Anne Benskin. Yes, there was.

Serj. Burch. Was there any thing remarkable in the Bed?

Anne Benskin. The Bed was stain'd.

Sir Tho. Powis. What is your Name now? Benskin?

Anne Benskin. Yes.

Sir Tho. Powis. What is your other Name?

Anne Benskin. Burton.

Sir Tho. Powis. Was you ever Marry'd?

Anne Benskin. Sir, You know I could have no other Name, if I was not Marry'd.

Sir Tho. Powis. You have Liv'd in several Places?

Anne Benskin. I Liv'd with my Lord of Clare, and my Lord Aired.

Serj. Burch. Did Germaine go by any other Name, than he goeth by now?

Anne Benskin. Not as I know of.

Att. Gen. We will call another Witness, one *Thomas Hudson.*

Att. Gen. Tho. Hudson, Do you know the Dutchess of Norfolk, and Mr. Germaine?

Tho. Hudson. Yes.

Att. Gen. Pray, what you observe betwixt the Dutchess of Norfolk and Germaine?

Tho. Hudson. Sir, I was a Servant to Mr. Scrogge, who was the Dutchess's Steward; and so, he going away on other Business, I was Jett Butler at Windsor: so there came two Captains, to play at Cards; and one of the Captains asked, if Mr. Germaine lay there? I told him, No. Now, his Man, as I heard after, had brought Germaine a Shirt and Waist-Coat: For, as soon as his Man was gone, we found the Waste-Coat and foul Shirt: And that same Day the Dutchess treated the Queen at Windsor?

Att. Gen. When was this?

Tho. Hudson. It was in 1685.

Sir Tho. Powis. Was this in the Year 1685?

Tho. Hudson. Yes, it was so; for I took it down in my Book.

Mr. Jones. Did you swear all this before the House of Lords?

Tho. Hudson. Yes; but only the Day of the Month I could not well remember then; I refreshed my Memory since.

Serj. Thompson. We will call Mrs. Hastings and Elizabeth Knave. *Serj. Thompson.* Mrs. Frances Hastings, Do you know the Dutchess of Norfolk, or Mr. Germaine.

Mrs. Hastings. I know nothing of them, but only the lay at my House.

Att. Gen. Did you know Mr. Germaine?

Mrs. Hastings. I saw him but once.

Att. Gen. Did you ever see Mr. Germaine lye at your House?

Mrs. Hastings. Yes.

Att. Gen. When.

Mrs. Hastings. The First Year of King James's Reign.

Att. Gen. How long?

Mrs. Hastings. A whole Summer.

Att. Gen. We will call another Witness, one Elizabeth Knave.

Att. Gen. Elizabeth Knave, Did you ever Live with Mrs. Hastings?

Eliz. Knave. Yes.

Att. Gen. How long?

Eliz. Knave. A whole Summer.

Att. Gen. Did you ever see the Dutchess of Norfolk?

Eliz. Knave. Never.

Att. Gen. Did you ever see the Dutchess and Mr. Germaine together?

Eliz. Knave. No, but that Mr. Germaine's Servant said, It was the Dutchess of Norfolk, that was with Mr. Germaine: And as she and I was making the Bed, I found an Handkerchief, mark'd with an M, and a Coronet.

Att. Gen. In whose Bed was this?

Eliz. Knave. Why? it was in Mr. Germaine's Bed.

Att. Gen. How long since?

Eliz. Knave. In the First Year of King James's Reign.

L. C. Just. Woman, Did you find the Handkerchief?

Eliz. Knave. Yes, my Lord.

L. C. Just. What Mark had it?

Eliz. Knave. An M, and a Coronet.

Serj. Thompson. You see, how far we are gone?

L. C. Just. All without the Statute.

Serj. Thompson. We shall shew to your Lordship, and to the Gentlemen of the Jury, That my Lady Dutchess went by the Name of my Lady Bateman, and Mr. Germaine went by the Name of her Brother; and he did take an House at Fox-Hall, beyond the Water; the Man's Name was Scriber: And he liv'd in that Place for Three Quarters of a Year, and more; and then Mr. Germaine came constantly to her; And it was known after, to be the Dutchess of Norfolk, though she went by another Name, and her Servant Henry Keamer also: This Keamer was he, that the First Witness, gave him a Key to the Chambers at White-Hall.

Att. Gen. Peter Scriber. Pray do you know one M. Germaine?

Mr. Scriber. Yes, Sir.

Att. Gen. Pray did he come to take any House of you?

Peter Scriber. Yes, Sir.

Att. Gen. How long since?

Peter Scriber. Above Two years since.

Att. Gen. Who did he take it for?

Peter Scriber. He told me for a couple of Ladies that came from Holland; As he told me.

Att. Gen. Pray by what Name went they?

Peter Scriber. One went by the Name of Mrs. Brian, another by the Name of Madam Bateman.

Att. Gen. Did you know any Gent. called Mr. Germain, that lived near the Cock-Pit?

Peter Scriber. Indeed Sir, I know not where he lives. I have seen one walking in the Garden that went by the Name of my Lady Bateman's Brother.

L. C. Just. Where is your House?

Peter Scriber. At Fox Hall.

L. C. J. Who paid you the Rent?

Peter Scriber. One half year (my Lord) was paid by my Lady Bateman.

L. C. Jus. What Servants had she?
Peter Scrib. She had one that went by the Name of *Goodman*.
Att. Gen. We will call another Witness.
Thomas Lloyd,
 Do you know the Lady *Fatemau*, and *Mr. John Germaine*?
Thomas L. Yes Sir.
Att. Gen. How often have you seen *Mr. John Germaine* at *Fox Hall*?
Tho. L. Often.
Att. Gen. Who was the Lady *Bateman*?
Tho. L. The Dutchess of *Norfolk*.
Att. Gen. How do you know that?
Tho. L. Because I have seen her coming out of the House of Lords and they said it was the Dutchess of *Norfolk*.
Att. Gen. Are you sure o- that?
Thomas L. Yes Sir.
Att. Gen. What is he?
Tho. L. I know not, but I heard after, his Name was *Heaven*, but when he waited of the Lady *Bateman*, he went by the Name of *Goodman*. About *Michaelmas* last was 12 months; it was I Sir, *Mr. Germaine*, that Summer was walking with the Lady *Bateman*.
Sir William Williams. You say you saw *Mr. Germaine*, walking that Summer, with the Lady *Bateman*. What Summer was that that?
Tho. L. L. Why, Summer was a twelve month?
Sir William Williams. Are you sure it was within 2, 3, or 4 Years.
Tho. L. L. Yes, that I am sure of.
Sir William Williams. Was it the beginning or the ending of Summer.
Tho. L. L. It was about the height of Summer.
Att. Gen. We will call another Witness, one *Robert Henningways*.
Att. Gen. Where do you live?
Robert Henningways. At *Fox-hall*.
Att. Gen. Do you know one that went by the name of the Lady *Bateman*.
R. H. Yes, Sir.
Att. Gen. Do you know how it was?
R. H. The Dutchess of *Norfolk*.
Att. Gen. Do you know the Dutchess of *Norfolk* if you saw her?
R. H. Yes.
Att. Gen. And are you sure that she that went by the name of the Lady *Bateman*, is the Dutchess of *Norfolk*.
R. H. Yes.
Att. Gen. Do you know one *Mr. Goodman*, that waited upon the Lady *Bateman*.
R. H. Yes.
Att. Gen. Was that his right name.
R. H. No, his name was *Keamer*.
L. C. J. Where did you see her?
R. H. Near her Fathers House, my Lord *Peterboroughs*.
L. C. J. Why, how did you know she was the Dutchess of *Norfolk*.
R. H. VVay, all that ever I knew, said she was so?
Att. Gen. VVhere did you see the Dutchess of *Norfolk*?
R. H. I have seen her in the House, and out of the House.
L. C. J. VVhat Occasions had you to observe her?
Att. Gen. He was a Guardian employed there.
 VVe will call another witness *Andrew Anderson*.
Andrew Anderson. Never otherwise, but by the name of the Lady *Bateman*.
Att. Gen. Do you know a Lady that went by the name of the Lady *Bateman*.
A. Anderson. Yes.
Att. Gen. Do you know one *Mr. Germaine*.
A. Anderson. I never saw him, but he went by the name of my Ladies Brother, I have carried him oft times by water to *Fox-Hall*.

Att. Gen. Have you carried that Gentleman that lives next door to the *Cock-Pit*, by water to *Fox-Hall*.
A. Anderson. Yes.
Att. Gen. By what name did he go by.
A. Anderson. By the the name of my Ladies Brother.
Att. Gen. VVhat is his name, or by what name doth he go by Nor.
A. Anderson. You know very well.
Att. Gen. Have you carried any wood from *Fox-Hall* to the *Cock-Pit*.
A. Anderson. Yes.
Att. Gen. From who.
Andrew Anderson. From my Lady *Bateman*.
L. C. Jus. When did you carry him by Water? And where did you take him up?
Andrew Anderson. Sometimes (my Lord) from the Stairs in *Channel Roe*, sometimes at one place, and sometimes at another.
Att. Gen. My Lord, he saith he carried from *Fox-Hall* some Wood, and it came over, and it was carried to the *Cock Pit*.
L. C. Jus. When you see him then, by what Name did he go by.
And. Anderson. I never knew him then but by the Name of my Ladies Brother.
L. C. Jus. What Name goeth he by now.
And. Anderson. All that knoweth his Name, knows it to be *Germaine*.
Att. Gen. Did you know one that went by the Name of *Goodman*, that lived at *Fox Hall* with his Lady *Bateman*.
And. Anderson. Yes.
Att. Gen. What is right Name?
And. Anderson. I knew not but what was his right Name then, but now I hear his right Name in *Keamer*.
L. Ch. Jus. When you did carry him by VVater, where did you carry him?
And. Anderson. My Lord, sometime to one place, and sometimes to another, as I am commanded, I must observe.
Att. Gen. VVe will prove that the Dutchess hath been several times privately with *Germaine* at the *Cock-Pit*, and that *Germaine* hath gotten a private Door into the *Park*, for which he paid 40 s. to *Mr. Bradbury*.
Att. Gen. *Mr. Bradbury*, Pray where do you live?
Mr. Bradbury. I live next Door to *Mr. Germaine's*.
Att. Gen. VVhere is that?
Mr. Bradbury. By the *Park VVall*, next Door to the *Cock-Pit*.
Att. Gen. Pray tell my Lord, and the Gentlemen of the Jury how it was was.
Mr. Hen. Bradbury. My Lord, *Mr. Germaine* had no way near as might go into the *Park*; so he spoke to my Man that he might have a Priviledge to go through my Door into the *Park*; so I ordered my Man to give him or his Servants Passage, and about a Year after he sent a VVorkman to me; that he might make a Door out into the *Park*, and I did agree with him for a Buck or 40 s. which he pleased. And so a Door was made: But since he hath gotten a Door himself into the *Park*.
Att. Gen. We will call another Witness, one *John Dagly*.
John Dagly. pray give an account of what you know of the Dutchess of *Norfolk* and *Mr. Germaine*.
John Dagly. I was at work there, and I saw a Gentlewoman going to and fro, up-flairs and down-flairs: I asked who that was? and I was told it was the Dutchess of *Norfolk*. There was a brave curious Bed; and I was saying to some of the House, that it was a very fine Bed: And asking what it might be worth? they said it cost 700 l. And I was then just married: I said, I have a good mind to bring my Wife hither, and give her a Flurt upon it.
 And we then laid all our Heads together, as if we were settling the Nation; and then they said, That Bed was for the Dutchess of *Norfolk*.

Att. Gen. We will call another Witness.

Serj. Burch. Richard Owen, do you know Mr. Germaine at the Cock-Pit?

Rich. Owen. Yes.

Att. Gen. What Company have you seen with him?

Rich. Owen. I saw a Lady in a Mask I may say a hundred times.

Att. Gen. How often?

Rich. Owen. I may say a hundred times in a Mask walking about: Another time I saw my Lord Duke of Norfolk walking amongst the Trees in the Park, and this Lady looking out of the Window towards him in Mr. Germaine's House. This I have seen; I speak what I know.

Att. Gen. Pray, Jane Wadsworth, come and tell my Lord and the Jury what you know. Speak out, Do you know Mr. Germaine?

Jane Wadsworth. Yes.

Att. Gen. Where liveth he?

Jane Wadsworth. In Park-street, near the Royal Cock-Pit.

Att. Gen. Have you ever seen the Dutcheſs of Norfolk at Mr. Germaine's House?

Jane Wadsworth. Yes.

Att. Gen. Upon what account.

Jane Wadsworth. I living next door, going in for a Pint Pot, met a Dutchwoman that belonged to the House, and asked her for it, she said, there was never a Pint-Pot there, it was above Stairs, and bad me go up and fetch it, and so I did, and I met the Dutcheſs of Norfolk then, and she had a Night-Gown on, and Flanders-Lace, but in Night Lining.

Att. Gen. Was she undressed?

Jane Wadsworth. Undressed as one may think, she might have a Petticoat on.

L. C. J. VVhat occasion had you to go there?

J. Wadsworth. For a Pint Pot my Lord, and going up, I saw the Dutcheſs of Norfolk going from one Room to another: And my Lord, another time I saw the Dutcheſs of Norfolk and Mr. Germain in a Coach together.

Att. Gen. VVhen was that?

J. Wadsworth. It was in March last, and I saw the Coachman, I asked him who it was that he sat down out of the Coach, and he said an honest Gentleman that gave him 2s. for the carrying him from the Horse-Ferry.

Att. Gen. Have you ever seen Mr. Germain, at the Dutcheſs house?

J. Wadsworth. Yes, I did disguise myself, and followed him to see where he would go, and I did see him go into the Dutcheſs house at the Mill-Bank.

Att. Gen. VVhen was this?

J. Wadsworth. In May last.

Lord Ch. Just. What time a Day?

J. Wadsworth. About (my Lord) 9 a Clock at Night.

Sir Thomas Powells. When you went for the Pint-Pot, did you ever say any thing to any Body of it, that you had seen the Dutcheſs of Norfolk?

J. Wadsworth. Yes, To one Hurman, that I had seen the Dutcheſs of Norfolk; How, said he? if my Master had seen you to go up stairs, he would have killed the Dutch Woman.

Lord Ch. Just. Do you know my Lady Dutcheſs well?

J. Wadsworth. Yes, my Lord, I know her well? she had Flanders Horses stood in my Stable, when I kept the Bear Inn; and she came often to see them, I knew her very well.

We will call another Witness, one Ann Read.

Serjeant Burch. Ann Read, do you know M^r. Germain's House?

Ann Read. Yes.

Serjeant Burch. Where is it?

Ann Read. By the Cock-Pit.

Serjeant Burch. Do you know him?

Ann Read. Yes.

Serjeant Burch. What Company have you seen go there?

Ann Read. In April last, I saw a Chair go by, and some said it was the Dutcheſs of Norfolk; and so I went and saw her in the Chair twice.

Serjeant Burch. Did you see her with her Mask off?

Ann Read. I saw her with her Mask off, and saw her fate down at Germain's House, and the Door was immediately opened.

Lord Ch. Just. Did you know the Dutcheſs before?

Ann Read. Yes, my Lord.

Lord Ch. Just. Did you see her before this Time?

Ann Read. Yes, my Lord.

Lord Ch. Just. What Time a Day was this?

Ann Read. Betwixt two and three a Clock.

Att. General. You say you saw her with her Mask off, and fate down at Germain's House, and the Door was immediately opened.

Ann Read. Yes.

Att. General. Now we will call another Witness, one Thomas Foster.

Att. General. Thomas Foster, do you know the Dutcheſs of Norfolk?

Tho. Foster. Yes.

Att. General. How did you come to know her?

Tho. Foster. I drove her often in a Coach with M^r. Germain.

Att. General. How long since?

Tho. Foster. About this Time four Years.

Att. General. Where did you use to carry them?

Tho. Foster. Some time into Lombard-Street, and some-time to one place, and some-time to another; and once I looked back, and saw them with their Heads together.

Att. General. Are you sure it was the Dutcheſs of Norfolk?

Tho. Foster. Yes, Sir, I knew her before she was Married, and I knew her after.

Sir Tho. Powells. Did you see them?

Tho. Foster. Yes.

Sir Tho. Powells. Was their Heads laid together.

Tho. Foster. Yes.

Sir Tho. Powells. When you was in the Coach, you say you saw them?

Tho. Foster. Yes.

Lord Ch. Just. Did you look back to see them?

Tho. Foster. Yes, my Lord, and their Heads were laid together.

Serj. Tremain. Where do you live now?

Tho. Foster. With the Duke of Norfolk.

Att. General. We will call another Witness, one M^r. Bowrell. Pray, do you know M^r. Germain?

Mr. Bowrell. Yes, Sir.

Att. General. Do you know the Dutcheſs of Norfolk?

Mr. Bowrell. Yes, Sir.

Att. General. Have you seen her?

Mr. Bowrell. Yes, at M^r. Germain's House.

Att. General. Was it the Dutcheſs of Norfolk?

Mr. Bowrell. Yes.

Att. General. Did you know her before?

Mr. Bowrell. Yes, Sir.

Att. General. Had you full Sight of her?

Mr. Bowrell. Yes, Sir.

Att. General. What Apparel was she in?

Mr. Bowrell. In Man's Apparel.

Lord Ch. Just. How long have you known the Dutcheſs of Norfolk?

Mr. Bowrell. This 3 or 4 Years.

Serj. Tremain. Do you believe it was the Dutcheſs of Norfolk?

Mr. Bowrell. I do very believe it.

Serj. Tremaine. Do you take it up in your Oath?
Mr. Bourne. I do verily believe it: The Dutcheſs being in a Chair, the Maid came running after her with an Hand-Basket.

Att. General. When was this?

Mr. Bourne. In April laſt.

Lord Ch. Juſt. Are you ſure it was the Dutcheſs's Maid?

Mr. Bourne. She gave in Evidence as ſo, in the Houſe of Lords.

Att. General. What is her Name?

Mr. Bourne. Frances Knight.

Att. General. What? Did you ſee a Hand Basket in her Hand?

Mr. Bourne. I ſuppoſe, there was Cloathing; for I ſaw the top of a Wallcoat hang out.

Att. General. We have brought this down ſo far.

Lord Ch. Juſt. Why, this is not within the Statute. I muſt direct the Jury.

Att. General. We have told you, when it began. We will call another Witneſs, one Mary J.

Serj. Thompſon. Do you know M^r. Germain?

Mary J. Yes, Sir.

Serj. Thompſon. Do you know where he lives?

Mary J. Yes, at the Royal Cock-Pit in Park-Street.

Serj. Thompſon. Did you ever ſee the Dutcheſs of Norfolk in your Life-time?

Mary J. I cannot tell, whether I did or not; for I do not know her; ſo I cannot tell, when I do ſee her.

Sir Will. Williams. They have called about 19 Witneſſes; for the firſt five Years we paſs them, for they did not ſpeak one Word of any thing, ſince 1686. And for the other, they have not proved any one Act, in the Time of the Declaration, betwixt M^r. Germain, and the Dutcheſs of Norfolk. They have not proved any thing that hath any tendency in that; which *Jane Wadſworth* ſaith; and what is that which ſhe ſaith? Why, ſhe being a Woman that ſold Ale, ſhe had let a Pint-Pot go to M^r. Germain's Houſe, ſo ſhe went for it, and the Dutch Woman that lived there, directed her to go up the Stairs for this Pint-Pot; ſhe ſwears, that ſhe then ſaw the Dutcheſs of Norfolk, and ſhe had a Perſecoat on. And this is the Evidence that ſhe hath given; ſhe doth not pretend that M^r. Germain was in the Houſe, or in Company with the Dutcheſs; and ſhe appears to be a Stranger in the Houſe, and ſhe muſt run up Stairs. As for her Reputation, ſhe is one of the vileſt of Women; ſhe would ſay ſomething in March or May laſt; there is no Act proved by her, and ſhe is a vile and incredible Witneſs; we ſhall call Witneſſes to ſhew it.

Sir. Tho. Pearſ. My Lord, we will prove it; and as for this Woman *Wadſworth*, we will not only call the Perſon ſhe ſpoke to of this, that will contradict her ſelf and tell what ſhe did ſay; but alſo to her Credit and Reputation; ſo that now, my Lord, I believe upon the whole matter, we cannot do the Duke of Norfolk more Honour, than to acquit the Defendant, for it will be more Honour to the Duke of Norfolk to have the Defendant acquitted, than ſatisfaction to her by giving her any Damage whatſoever.

Sir. Will. Williams. We will call a Witneſs one Grace Cook. Do you know *Jane Wadſworth*?

Grace Cook. Yes Sir.

Sir Will. Williams. Pray tell my Lord and the Jury, what Diſcourſe you, and *Jane Wadſworth* have had together.

Grace Cook. I will. She ſaid I had ſome talk together, and ſhe then ſaid I could do them no good, for I am miſtaken.

Sir Will. Williams. When did ſhe tell you? this ſitting the Parliament.

Grace Cook. Yes. She came in and ſaid I can do them no good, ſhe ſaid ſhe was in a Pand; ſaid ſhe I can do

them no good, for ſaid ſhe, I did go into M^r. Germain's Houſe and thought I had ſeen the Dutcheſs of Norfolk but now I am miſtaken.

Sir Will. Williams. You are a near Neighbour to her.

Grace Cook. Yes, Sir.

Sir Will. Williams. What is her Reputation?

Grace Cook. I cannot ſay any thing to her Reputation?

Sir Will. Williams. Who was 'by?

Grace Cook. There was another Woman.

Jane Wadſworth. I had a Subpœna, and as I was going to M^r. Germain's Houſe, there was one of his Servants; I had like to have been then knocked down: And there was one Hall, what ſaid he, are you to be a Witneſs? What will you ſwear? and another I deſerv'd to be at Bridewell.

L. C. J. Who was it that told you that you deſerv'd to be at Bridewell?

Jane Wadſworth. Heſt a his Chairman. And, my Lord, it is not a Fortnight ſince I was robbed: And it is not a Fortnight ſince there came in Perſons and threatned and ſaid what they would do to me: And it is not Two Months ſince that a Perſon or two did beat me, and liked to have knocked me down, and they ran into this Woman's Houſe.

Serj. Thompſon. You are asked if thoſe Perſons that had liked to have knocked Mrs. *Wadſworth* down did not run into Mrs. Cook's Houſe.

Wit. Yes.

Serj. Tremaine. The Queſtion is, Whether what they ſwear was true.

Wit. She ſaid ſhe was chancing to go for a Pint Pot to M^r. Germain's, and going up ſtairs for it, ſaid ſhe I thought I had ſeen the Dutcheſs of Norfolk then there; but I ſee it was not ſhe: And one *Heſt a* asked if ſhe was ſure of what ſhe ſaid was true, ſhe ſaid ſhe would not ſay it for the World.

Att. General. What Trade are you?

Wit. A Joyner.

Att. General. Are you not employ'd by M^r. Germain?

Wit. Yes.

Attor. Gen. How long ſince?

Wit. Why ever ſince King William was crown'd.

Att. Gen. Have you been ever ſince employ'd by him?

Wit. No by times I have been.

Att. Gen. Upon your Oath, Who did you hear this Lady was that uſ'd to come to Germain's Houſe?

Serj. Levins. By the Oath you have taken, Did you not hear it was reported it was the Dutcheſs of Norfolk?

Wit. Yes, Sir.

Serj. Barb. Did not you whiſper daily in the Ear, and ſay that you believed her to be the Dutcheſs of Norfolk?

Wit. I cannot remember.

Serj. Pemberton. Was that Woman in ſuch a Condition as ſhe ſaith ſhe was?

Wit. No, I think that ſhe was in as good a Condition here as ſhe is now.

Serj. Thompſon. That could not be, ſhe was ſaid to be carried up a Chair.

Serj. Pemberton. We will call one *Paul*.

Tell my Lord and the Jury, what you heard *Taylor* the Duke of Norfolk's Coachman ſay of M^r. Germain.

Hall. Why he ſaid that M^r. Germain had done very ill in turning him off in Ireland, and he would be reveng'd of him.

Tho. Feſter. My Lord, M^r. Hall and I was ſpeaking ſomething of the Duke and Dutcheſs of Norfolk then I ſaid to him that M^r. Germain had done very ill by me in turning me off in Ireland, but I did not ſay I would be reveng'd of him.

Wit. I chancing to go to Spring Garden, I ſaw Thomas Forſter carrying Water to the Horſes that was in the Stable, and after he and I had ſpoke to one another, What ſaid he will

not you make me drink this Morning? I told him I did not care if I did, and so we went to drink, now said I to him *Thomas*, are not you a fine Fellow to abuse so good a Master that would give you Money when you wanted it, are not you forry for it? I am faith he, but it is too late; but the Devil I think had possessed me; and he said he was got to be drunk, and when one is drunk he will say any thing, said he; I remember not a word I said; and said he, I hope my Master will pardon me, and he said that some was promised good Employments in the Dukes Service, but none had gotten any, but one and that is House Keeper, and he said it was better to be a House-Keeper in Hell.

Did he say he had wronged Mr. *Germaine*?

Yes he did and said he was druuk.

L. C. J. He was not drunk when he was in the House of Lords.

He said he was forry that he had wronged his Master, and he hoped, that he would pardon him.

Serg. Tremaine, We will call *Alexander Harman*; Did you ever see that Woman, *Jane Wadsworth*, in Mr. *Germaine's* House?

Alex. Harman. No Sir.

J. Wadsworth. Pray, my Lord, give me leave, and I will tell you how it was: *Alexander Harman* came into my House, and I told him, That I had seen the Dutchess of Norfolk at *Germaine's* House: I told him, I wanted a Pint Pot that I had lent to Mr. *Germaine's* House, and going thither, asking the Dutchwoman for it, they bid me go up the stairs for it, and so I did, and then I saw the Dutchess of Norfolk said he to me, *You should not have gone up the Stairs for it, for if my Master should have known it, he would have killed the Dutchwoman.*

Sir Will. Williams. We will call another Witness.

Margaret Candy. What did you hear this Woman, *Jane Wadsworth* say?

Margaret Candy. She came to Mrs. *Cooks*, with a Paper in her hand, and said she, *I thought I had seen the Dutchess of Norfolk at Mr. Germaine's House, but now, she said, she is better satisfied, that she never did see her there.*

Sir W. Williams. Did she complain that she was beaten and abused?

Margaret Candy. Not as I know of.

Serg. Pemberton. She and others were examined in the Lords House, and the Lords would not believe them.

L. C. J. We do not know what the Lords did believe or disbelieve, they were examined so far forth as to enable them to make a Law, we must now hear what the Witnesses say.

Sir W. Williams. We will call another Witness, *Francis Knight* *Francis Knight*, was you ever at *Germaine's* House?

Fr. Knight. No my Lord.

L. C. J. The Woman said, she talked with you there.

Fr. Knight. She will not say it to my face.

L. C. J. Did you ever carry a Letter from the Dutchess of Norfolk to Mr. *Germaine*, or to any Person in his House?

Fr. Knight. No my Lord.

L. C. J. Mr. *Bowtel* faith, That he saw the Dutchess and this Maid.

Was not you therein the Summer.

Fr. Knight. Never.

L. C. J. Never carried a Basket.

Fr. Knight. Never.

L. C. J. Did you never go with a Chair?

Fr. Knight. No.

L. C. J. Call Mr. *Bowtel* again.

Att. Gen. Mr. *Bowtel*, Is this the Maid that had the Basket of Cloaths.

Mr. *Bowtel*. As I supposed to be Cloaths.

Att. Gen. Did she come out of the House with the Chair came.

Mr. *Bowtel*. She followed it presently, and then I was near her and knew her Face.

Att. Gen. Is this the Dutchess's Servant.

Mr. *Bowtel*. Yes Sir, she was the Dutchess's Servant: I saw her then.

Att. Gen. When was this.

Mr. *Bowtel*. In April last.

Att. Gen. Was you upon your Oath in *Germaine's* House, in April last?

Fr. Knight. I broke my Leg then.

Sir W. Williams. Was you, in April last, in Mr. *Germaine's* House.

Sir T. Pennis. Was this in open day.

Mr. *Bowtel*. Sun was about half an hour high.

Sir T. Pennis. We will call another Witness, one Mrs. *Pennington*.

Do you know one *Jane Wadsworth*, was she your Servant?

Mrs. *Pennington*. She was a while, she pretended to be Sick, and, as I was informed afterwards, she was not; for there was a Man that gave Physick, and I had him to go and look upon my Maid, and he did so, and came and said, your Maid may be sullen, but she is not Sick; and coming to her, I found her sullen, and afterwards I met her out of my House, said I, *Jane, What do you do here*, she made some excuse, and said, she was not well; I told her, I would take care of her; and how that they did not deserve Servants, that would not take care of them when they was ill; I saw her muffled, and her Coats trussed up, I walked after her, and said, *Jane, Whether art thou going?* and bid her let me see what she had in her Coats; and I thought it was good to have a Witness; I spoke to one, said I, *Gaffer Hall*, come hither, do you take notice, that this Linnen is all mine.

A good while after, I saw this *Jane Wadsworth* standing at Mr. *Bird's*, said I, she was my Servant several Yea's ago; and, my Lord, this happened when the Difference was betwixt the Duke and the Dutchess, for they said, she was a grievous Witness against the Dutchess.

Upon this, Mrs. *Bibbs*, my Lord of *Peterborough's* Servant, sent to me.

Then I came to be a Witness,

Serg. Thomp. Mrs. *Pennington*, How came she to you first or all?

Mrs. *Penning*. She was recommended to me first; and she being minded to go away soon after the came, I said, *Jane, if you will go, go*; and then I observing when she went away, her Cloaths about her to be trussed up; I walked after her into *Dun-yard*, I said to her, *Jane, What have you in your Coats?* and there I found my Linnen.

We will call another Witness, Mrs. *Pennington's* Maid.

Mrs. *Pennington's* Maid. I saw all the Linnen that my Mistress took from her as she said.

Att. Gen. Did you see any?

Mrs. *Pen. Maid*. Yes.

Att. Gen. Whose was it?

Mrs. *Pen. Maid*. My Mistress.

Att. Gen. She told you so.

Mrs. *Pen. Maid*. Yes.

Council for the Def. We will call the Defendants Man *William Haw*.

How long was your Master in *Flanders*?

W. Haw. A Month.

Council for the Def. Was you and your Master with the King in *Ireland*.

W. Haw. Yes, we went with him, and came back again with him.

Sir W. Williams. It's said, he was at *Flushing*, about three Years since.

W. How. We was out of the Kingdom four Months.

Sir T. Pown. There is no material Witness but what this Woman is.

Now we will call another Witness. Pray Mr. *Walburne*, tell my Lord and the Jury, what Discourse you have had with the Duke of *Norfolk* concerning his Dutche's.

Mr. Walburne. My Lord, about the middle of December last, my Lord Duke was pleased to send for me to come to him, and so I came to Mr. *Negroe's*, and he brought the Duke of *Norfolk* into his own Room to me; said he to me, there are some Treaties betwixt me and my Wife, Sir *Robert Clayton*, and Sir *Robert Howard* are concerned in them.

There is one thing, that I find my Wife is setting up to have a great Equipage, this I do not like: I hear, said he, she is about to have a Coach, Horses, and two or three Footmen. And this is not all, said he, there is *Castle-Rising*, that my Wife hath a Pretention to, and of *Besse-Bling*, now if she will part with her Pretensions in them, I shall take it well, and we may be reconciled. I know *Drayton* is a feat that She hath a kindness for: Pray tell my Wife of it, and let her consider of it; if she be willing to comply with me in this, I shall take it well: And, said he, I am told, if I bring a Bill of Divorce into the House of Lords, it would take effect. And so I went from the Duke of *Norfolk* to the Dutche's, and told her what the Duke said; and my Lord of *Peterborough* hearing of it, he was angry that I went to the Duke.

Sir W. Williams. Did you acquaint the Dutche's, That if she would part with her Pretensions in *Castle-Rising* and *Billingsal*, all things might be reconciled.

Mr. Walburne. I did.

The Bill of Divorce was lodged in the House of Lords, in January next following.

Mr. Webb. There is one thing, my Lord, that the Duke said that I had forgotten, he did speak of 25000*l.* or some such thing, he could make of *Castle-Rising* and *Besse-Bling*.

Att. Gen. My Lord, we will call some Witnesses to Mrs. *Wadsworth's* Reputation, because they speak against it. Mr. *Dugby*, Do you know Mrs. *Wadsworth*?

Mr. Dugby. Yes.

Att. Gen. Pray, What Reputation is she of?

Mr. Dugby. Very good Reputation.

Att. Gen. Was she ever upon the Parish?

Mr. Dugby. Never in her days.

Att. Gen. Mr. *Prince*, pray do you know Mrs. *Wadsworth*?

Mr. Prince. Yes Sir.

Att. Gen. What is her Occupation.

Mr. Prince. A Pains-taking Woman.

Att. Gen. What Reputation is she of.

Mr. Prince. Good Reputation.

Mrs. Wadsworth. My Lord, I would not live with Mrs. *Pennington* any longer, for the best a disorderly House.

One of *the Jury*. Pray, What is that she saith?

L. C. J. She saith, that Mrs. *Pennington*, with whom she lived, kept a disorderly House.

J. Wadsworth. My Lord, I kept House, and paid 60*l.* a Year for the *Beer-Imm*, and my Lord, my Husband, lay sick a great while, and he having a Mind to go into the Country, for his Health, I had 12*l.* of the Church-Wardens and Overseers, and that was all that ever I had.

Att. Gen. We will call another Witness, Mr. *Emmy Argus*.

Pray how long have you known Mrs. *Wadsworth*?

Mr. Argus. Many Years.

Att. Gen. What Reputation was she of?

Em. Argus. She was always accounted a Honest, Laborious, Pains-taking Woman.

Att. Gen. Whether, did she keep the *Beer-Imm*?

Mr. Argus. She did.

Att. Gen. Was she ever kept at the Parish Charge?

Mr. Argus. No.

Att. Gen. Was she ever in the Pools Book?

Att. Gen. We have produced Three Substantial People, that all say, that she always was accounted an Honest, Laborious Woman.

L. C. J. You do observe what you have proved; you have proved no lascivious Conversation; because you spoke of that in the Opening of the Evidence; you have not proved any lascivious Conversation within this 6 Years.

Att. Gen. This Court saith we have not proved the Dutche's to go beyond Sea. We will call a Witness, Mr. *Negroe*.

Mr. Negroe. Pray did the Dutche's go over with the Duke beyond Sea? The Duke came back, did the Dutche's come with him?

Mr. Negroe. The Dutche's, she came over again in 86; after that she stayed in England some Time, and about the time of the Revolution; then it was given out, that she was gone over again.

Att. Gen. What Time was it that you heard she came back? In 89.

Mr. Negroe. I can inform the Court if they please, the Time when my Lord was sued for Allemony.

A Letter was then read in the Court, from the Duke to the Dutche's.

Serj. Thompson. This Cause hath been in the House of Lords. The Question, whether they believed or not believed, was not the Question, but they would have some time to make some Proofs at Law.

Att. Gen. For as all unlawful Conversations must have a beginning, it is necessary we should shew something of that, and the Time, and that doth fortifie the Evidence that is given within the Time.

Solicitor Gen. Pray my Lord, if you Lordship please; This is the use we make in giving in Evidence, somethings before, to shew the Fact within the six Years, their frequent meeting in a Lascivious manner; and we make use of that before the six Years, to explain what use we make of it, in matters done done within the six Years.

Serj. Tremain. I do appeal to your Lordship, and all that hear me, whether within this six Years they have proved any Lascivious Action, or any undecent Action, so that this will not charge the Defendant; for if the Dutche's will come to his House, when he is not at home, he cannot help it. All the Proof is without the six Years, and no Proof within the six Years to charge him to inflict such a Crime. If they had carried it down, as to have proved Acts within the six Years, I should have said they have done something.

L. C. J. Have you done?

Yes, Sir.

L. C. J. **G**entlemen of the Jury, you understand very well the Nature of this Action, and the Record has been opened to you, which was to this effect,

That the Defendant the 24 Day of *April*, in the 24 Year of the Late King *James*, he did intice away the Plaintiffs Dutcheſs, whereby he had not the Benefit of her Society, and that he had Lascivious Conſervation with her, lived in Adultery with her and cauſed her to Commit Adultery. The Defendant pleaded that he did not commit any thing within this ſix Years.

Gentlemen, what hath been before, is not now to be taken Notice of;

But the Plaintiffs Council hath given in Evidence of ſome Acts before, which is not for any Damages, as we expreſt before; but to explain ſome Actions that hath been between them.

For my part, I muſt declare that theſe matters may be given in Evidence to explain; but they are not to be given in Evidence to any other purpoſe.

The firſt Witneſs, is one *Owen*, and he telleth you, that he was ſent to *White-Hall*, and he ſaith that he went into the Lodgings there, and then he did ſee the Dutcheſs and *Germain* in Bed together.

Then there is another Witneſs, that proves it another Time and Place, That is *Margaret Ellwood*, and ſhe telleth you in what manner ſhe found the Dutcheſs, and *Germain* was very Angry at her, and that his Hat and Sword lay upon the Table; and you are told by her, that looking through the Key-Hole, ſhe perceived them in Bed: ſhe ſaid the Curtains at the Beds Feet was actually open, and ſhe ſaw them in Bed together, and found *Germain's* Handkerchief and Ruſſes in my Lady's Bed.

The next Witneſs is one *Anne Benſkin*, and ſhe ſaith, they were in expectation of him one Night at *Windſor*, they ſtayed up till Two a Clock, and laid Chairs and Stools in his way, that if he came, he might fall, but he did not come down that time: All this is about Seven Years ago, and out of the time mentioned in the Declaration; and then after they come, and begin about the Year 1689. and they tell you of a Lodging taken at *Fox-Hall*, at one *Scriber's* Houſe, for a couple of Ladies, one

went by the name of *Bateman*; and the other *Brian*; during that time, the Man of the Houſe knew nothing of one that went by the name of Mr. *Germaine*, but of my Lady's Brother; he had been ſeen walking in the Garden: They tell you, they have ſeen that Lady that went by the name of the Lady *Bateman*; and that very Lady was the ſame that was the Dutcheſs of *Norfolk*: And the Waterman ſaith, That he hath carried him often by Water, and he went by the name of my Lady *Bateman's* Brother: He hath carried him from the Stairs in *Channel-Row* to *Fox-Hall*, when the Lady *Bateman* lodged there; and hath carried Wood from *Fox-Hall*, by the Lady *Bateman's* Order, to the *Cock-Pit*, and there is no manner of queſtion, but Mr. *Germaine's* Houſe is at the *Cock-Pit*.

But then they come to Mrs. *Wadſworth*, and ſhe is a Woman that lived next Door, and ſhe had occaſion to go to *Germaine's* Houſe for a Pint Pot, and there coming, ſhe met with a Dutch Woman, and asked her for the Pint Pot, ſhe ſaith, ſhe bade her go up ſtairs for it, which ſhe did, and then ſhe ſaw the Dutcheſs of *Norfolk* undreſſed, in a Morning Gown, ſhe ſaid ſhe very well knew her, ſhe had ſeen her many times, and ſhe was ſure this was the Dutcheſs of *Norfolk*. She telleth you, that at another time, I think it was in *May* laſt, that ſhe did ſee Mr. *Germaine* go to the *Mill-Bank*; ſhe was ſure it was him, and ſhe did think he would go there; and thereupon ſhe doged him from that very place: She ſaid, ſhe had told one *Harman*, that ſhe had ſeen the Dutcheſs of *Norfolk*; How, ſaid he, *If my Maſter had ſeen you he would have killed the Dutch-Woman.*

Then cometh one *Foſter*, the Coach-man, and ſaith, That about four Years ſince he hath carried the Dutcheſs of *Norfolk*, and Mr. *Germaine*, oft-times; and one time (he driving) he looked back, he ſaw Mr. *Germaine*, and the Dutcheſs of *Norfolk*, lying with their heads together.

Then cometh Mr. *Bowtell*, and he telleth you, That in *April* laſt he was at Mr. *Germaine's* Houſe, and he ſaw the Dutcheſs in Man's Apparel, and he ſaid, there was an old Maid had a Hand-Basket with ſome Cloaths, and this was the Servant of the Dutcheſs of *Norfolk*. Now Gentlemen, theſe are Witneſſes that prove to you the Liſe in the time mentioned.

Now Gentlemen, they have called ſome to diſcredit theſe Witneſſes; they begin with *Jane Wad-*

sworth, they bring one *Candy* that should say, That she heard *Jane Wadsworth* say, that she thought at the first it was the Dutchess of *Norfolk*, but she was mistaken.

Then they call some more Witnesse, that is Mrs. *Pennington*, that was her Mistress twelve Years ago, and she saith, That she pretended to be sick a while after she had been with her, and so going away, she seeing her Cloaths tuck'd up, she seeing what was the matter she had some of her Linnen, she said she lived with her not above a Fortnight, and they parted; she said she was indigent and poor, and her Maid saith the same.

And then they bring another Witnesse against one *Foster*, the Coach-man; telling him of what he had said against Mr. *Germaine*; he said he was got to be Drunk, and when a Man is Drunk, he will say any thing.

Then, as to Mr. *Bowtell*, whereas he saith he saw the Dutchess in Man's Apparel at *Germaine's* House, and the Maid was there, and the Maid cometh and saith, that she was not there; that she was ill, and her Leg was broke, and denieth that ever the Dutchess was there, or that she saw her in a Chair, or in Man's Apparel.

Now for *Ann Read*, no Evidence at all against her Testimony, and she is very Positive of what was done in *May* last.

They have called one Mr. *Welborne*, who saith that the Duke sent for him, and after some Discourse spake to him about *Bestow-Billing*, and *Castle Rising*; and he saith the Duke sent to him to have the Dutchess to know, if she would comply with him, he did not question, but to prosecute a Bill of Divorce in the House of Lords with Effect.

They tell you indeed, of *Foster* that *Germaine* had turn'd him out of his Service, and that he should say he would be reveng'd of him; but he denyed that.

And then the Dutchess Letter in 87. was read: I cannot see what Inference you can make of it, but that the Duke had no design of shewing any Unkindness, you have heard the Letter read, and you may make your Inference, as you will.

Then, as to Mrs. *Wadsworth*, they have brought some Persons to speak to her Reputation; and they tell you, She is an industrious Woman, and of fair Conversation, and rented an House of Threescore Pounds a Year. And as to what they alleadged, that she was kept by the Parish; no such thing was: but her Husband being sick, and about going into the Country, the Church-Wardens helped him with about Sixteen Shillings. But she never was in the Poois-Rates, or in the Poois Book.

And then as to Mrs. *Pennington*, what she saith against her, she answereth this, That why she did Live no longer with her, she saith Her Mistress kept a disorderly House.

The Question will be, What was *Between* the Dutchess, and the Defendant, *within* these Six Years; if you are satisfy'd, that there hath been any such Lascivious Conversation.

For, if so be, that it was only before the Six Years, To what purpose their meeting at *Fox-Hall*, and taking Lodgings at *Fox-Hall*, and to what purpose the Dutchess came to *Germaine's* House so?

So that, it is left to You, Gentlemen, to consider, If there hath been any unlawful Conversation, and Lascivious Intercourse, between the Dutchess, and the Defendant, within these Six Years? If so, You are to find for the Plaintiff; If not, You are find for the Defendant.

The next Morning, being *Friday*, the Jury came with their Verdict to the King's Bench Bar; and being asked, If they were agreed on their Verdict? They said, Yes: And being asked, Who should say for them? They said, The Fore-man: And being asked, Whether they found for the Plaintiff, or Defendant? They said, For the Plaintiff: And being asked, What Damage or Cost? They said, One Hundred Marks Damages, with Cost of Court.